

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

-
WRIT PETITION NO : 10971 of 2004

Between:

- 1 Obulapuram Chinna Pullaiah, S/o.Maddileti,
R/o.Owk Village & Mandal, Kurnool District.
- 2 Satri Pedda Pullanna, S/o.Maddileti,
R/o.Owk Village & Mandal, Kurnool District.
- 3 Akumalla Venkateswarlu, S/o.Yerranna,
R/o.Owk Village & Mandal, Kurnool District.
- 4 Satri Nagamma, W/o.Maddileti,
R/o.Owk Village & Mandal, Kurnool District.

.....
PETITIONER(S)

AND

The Spl.Deputy Collector (LA), Srisailam Right Branch Canal office,
Nandyal,Kurnool Dist.

.....**RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction or particularly one in the nature of writ of Mandamus, declaring the action of the respondent in not referring the petitioners cases under sec.18 of Land Acquisition Act to the competent civil court for getting just compensation for the lands acquired by the respondent through award No.1/2003 dt.23-05-2003, even after lapse of one year from the date of petitioners application u/s.18 of Land Acquisition Act, as illegal, arbitrary, violative of Article 14, 16, 19, 21 and of constitution of India and consequently direct the respondent to refer the said cases of the petitioner to the competent civil court forthwith.

Counsel for the Petitioners:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent: The Government Pleader for LAND ACQUISITION

The Court made the following Order:

This writ petition is filed by the petitioners aggrieved by the action of the respondent in not making a reference as sought for by them under Section 18 of the Land Acquisition Act (for short "the Act").

According to the petitioners, their lands were acquired by the respondent and with reference to the said lands, the respondent passed an award through Award No.1 of 2003, dated 23-05-2004. Immediately after the said award, the petitioners made their applications under Section 18 of the Act on 28-06-2003 seeking reference to the Civil Court for determination of the appropriate compensation. But, however, the grievance of the petitioners is that no reference has been made by the respondent in spite of reminder notice dated 01-07-2003. Therefore, the petitioners have come up with the present writ petition.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Land Acquisition.

The learned Government Pleader for Land Acquisition appearing for the respondent represented that the matter may be disposed of on merits.

Admittedly, the respondent passed an award in respect of the lands acquired from the petitioners as award No.1 of 2003, dated 23-05-2003. The petitioners made their applications to the respondent under Section 18 of the Act on 28-06-2003 seeking reference of the

matters to the Civil Court. Subsequently, legal notice dated 01-07-2003 was also issued to the respondent. Therefore, the respondent is under obligation to make a reference under Section 18 of the Act. But, however, the respondent did not refer the matters to the Civil Court under Section 18 of the Act.

Under the above circumstances, the writ petition is disposed of directing the respondent to make a reference under Section 18 of the Act with reference to the award No.1 of 2003, dated 23-05-2003 insofar as the petitioners are concerned within a period of three weeks from the date of receipt of copy of the order.

The writ petition is accordingly disposed of. No order as to costs.

(S.ANANDA REDDY, J)

30th JUNE, 2004.

Note:furnish C.C. in two days.

B/o
Kvni

To

- 1 The Spl.Deputy Collector (LA), Srisailam Right Branch Canal office, Nandyal,Kurnool Dist.
- 2 Two CCs to the Government Pleader for Land Acquisition, High Court Buildings, A.P., Hyderabad.
- 3 Two CD copies.